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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,263	07/12/1999	DAN KIKINIS	P3304	9489

24739 7590 05/30/2003

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/30/2003

b

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/351,263

Applicant(s)

KIKINIS, DAN

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed on 3/13/2003. Claim 2 has been canceled and claims 1 and 3-5 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxemchuk (USP 6219346) in view of Pepe (USP 5742905).

Regarding claims 1, 3 and 5, Maxemchuk discloses (Fig 1-6 and col. 1-13) a wireless system operating with CSMA/CD coupling to a data network telephony (DNT) comprising a base station connected to a DNT capable data network and to a plurality of wireless transceivers, each transceiver transmitting to a distinct area, the base station adapted to operate the transceivers by a two-way, narrow-band, multiple-channel, real-time duplex radio protocol (Fig 1 discloses a base station for coupling to plurality of transceivers and internet "DNT" wherein each of transceivers cover an service area and the transceivers operate in two way, narrow band, multi-channel, real time duplex radio protocol "transmitting voice packet on inbound and outbound frequencies in a narrow band"); and a plurality of portable computer-enhanced client communicator units, including microphone and speaker apparatus, each assigned a unique address and adapted to communicate with the base station via the transceivers by the two-way

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real-time radio protocol and to process DNT calls (Fig 1 and 6 discloses a plurality of mobile units including a microphone and speaker for receiving and transmitting voice and data packet wherein each mobile has a unique address and using a two way real time protocol “a protocol used to transmit voice packet” and process a telephone call via a data network) and a hierarchical network of connected routers between the internet and a plurality of base stations, each connected to a transceiver wherein the base station and router maintain a routing table; wherein an mobile unit moves to another cell updating occurring in a minimum number of routers (Col 10, lines 12-34, discloses a base station maintaining a list of the mobile unit in the area for routing the received packet and updating the list when the mobile moves to another area). However, Maxemchuk does not disclose a personal router application executable on the base station, transceivers and client communicator units and individual clients are enabled, through the personal router application, to remotely edit routing rules for their own communicator Ids and to upload the edited rules to the base station or one of transceivers for programming alternative actions for incoming calls. In the same field of endeavor, Pepe discloses (Fig 1-45 and col. 1, lines 10 to col. 36, lines 67) a personal router application executable on the base station, transceivers and client communicator units and individual clients are enabled, through the personal router application, to remotely edit routing rules for their own communicator Ids and to upload the edited rules to the base station or one of transceivers for programming alternative actions for incoming calls (Fig 13-45, the PDA executes the software for using to edit routing rules and uploading it to a server which has a routing application for executing the routing information and the PDA interacts with the server in personal routing functions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a personal router application for executing on the base station or transceiver and on the client mobile unit for editing the routing rules for their own mobile and uploading the edited rules to the base station or transceiver for using in routing incoming calls and the base station adapted to interact with client mobile in personal functions as disclosed by Pepe's system into Maxemchuk's system. The motivation would have been to provide a user with a real time control of the incoming calls.

Regarding claim 4, Maxemchuk discloses a base station maintaining a routing table listing addresses of the mobile unit operating in the area and updating the routing table when the mobile unit roaming from one area to another (Col 10, lines 12-34, discloses a base station maintaining a list of the mobile unit in the area for routing the received packet and updating the list when the mobile moves to another area).

#### ***Response to Arguments***

4. Applicant's arguments filed 3/13/2003 have been fully considered but they are not persuasive.

In response to page 6-9, the applicant states that Pepe does not disclose a personal router executable at the client for programming the routing rules and uploading the programmed routing rules to the base station and/or transceiver in order to redirect the incoming calls and . In reply, Pepe discloses a PDA including a software for programming the routing rules and upload to PCI server which coupled to the base stations for receiving the incoming call and redirect the incoming call according the uploaded preprogrammed routing rules so that the PCI server can be

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rerouted the incoming call to the forwarded number without receiving incoming call at the PDA by using call command software at the server/PDA (See Figs 28-45 discloses a software which allows the client device to preprogram the profile such as call forwarding to another telephone number, pager, voice mail or email if PDA is turn off or out of range or subscriber does not want to receive this incoming call at the PDA by using the call command software at the client. The preprogrammed profile will be upload to the server which coupled to the base station for using to redirect the incoming calls by using call command at the server. See col. 29, lines 25 to col. 36, lines 51).

The teaching of Maxemchuk and Pepe perform the claimed invention.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

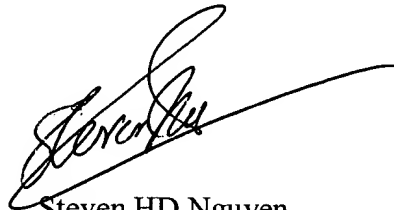
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', with a long horizontal flourish extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
May 29, 2003